# Social Services Appeal Board of Saskatchewan

## Annual Report 2014 - 2015

# Letter of Transmittal

Honourable Donna Harpauer
Minister of Social Services

Dear Ms. Harpauer:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2015.

Pat Cooper
Co-Chairperson

Rita D. Crone
Co-Chairperson

# Preface

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2014 to March 31, 2015.

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# Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Regulations pertinent to Saskatchewan Assistance Plan (SAP), Saskatchewan Assured Income for Disability (SAID) and Transitional Employment Allowance (TEA).

Legal authority is provided by *The Social Services Administration Act*, Section 10; *The Saskatchewan Assistance Act*, Sections 14(l)(m)(n), 15-18; *The Saskatchewan Assistance Regulations, 2014*, Sections 35-38; *The Saskatchewan Assured Income for Disability Regulations, 2012*, Sections 37-39; and *The Transitional Employment Allowance Regulations, 2005*, Section 31 & 32.

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has made a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the Ministry may appeal to the Court of Queen's Bench. Clients may also contact the Ombudsman. The Ombudsman cannot change the decision of the board, but can conduct a review and may make recommendations to the ***Social Services Appeal Board*** or the Ministry.

# Members of the Board 2014 -2015

The Co-Chairpersons and Board Members are independent of the Ministry of Social Services.

Appointments are made by Minister's Order.

Gloria Edwards is the appeal coordinator in Regina.

Susan Ferguson is the appeal coordinator in Saskatoon.

| P. Cooper<br>and<br>R. Crone<br><br>- Co-Chairpersons - |
|---|
| C. Froehlich |
| J. Lightheart |
| J. Moser |
| R. Schellenberg |
| M. Wallace |
| J. Leger |
| N. Osborne |
| R. Bellamy |
| C. Coward |
| G. Dauk |
| B. Irwin |

# Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. The five regions are Northwest, Northeast, Centre, Southwest and Southeast of the province. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to five members. A quorum is three members. During the past year, the Ministry of Social Services approved that provincial appeals may be heard outside of Regina and Saskatoon, when logistically reasonable.

The chairperson, or designate, attends all appeal hearings and conveys in writing to clients the decisions made by the Appeal Board within one week of the hearings. The Board may adjourn and defer a decision if it requires more information. The Board does not require consensus, but does require a majority decision. As part of the decision, the client is always advised of the rationale behind the Board's decision.

Board members consider themselves obliged to adhere to the Regulations of Saskatchewan Assistance Program, Saskatchewan Assured Income for Disability and Transitional Employment Allowance; but believe they have some flexibility in dealing with the internal policy guidelines.

The Board has access to outside legal counsel and on occasion seeks advice regarding decisions.

# Co-Chairperson's Comments

The 2014-2015 annual report of the Social Services Appeal Board is available on-line at www.socialservices.gov.sk.ca/14-15-ssappealboard.pdf

It is our pleasure to present the Social Services Appeal Board 2014 – 2015 Annual Report. The Board and Regional Appeal Committees appreciate the opportunity to be part of the appeal process. The policies and regulations of the Ministry of Social Services are complex and the Board believes it is important that clients of the Ministry have the opportunity to use the appeal process. Many of appeals are based on a client's understanding or interpretation of the Ministry's policies or regulations; and at times the Ministry's application of the same. The client's understanding, at times, does not align with the Ministry's. The outcomes of appeals often become a guide for all parties in determining short term and long term future decisions.

The Board believes the Ministry's revision of Regulations and Policies was a necessary change. We believe these changes have both immediate and long term benefit. The Board is pleased to report we have already witnessed the positive impact resulting from the clarity provided through these changes.

The Board continues to value the semi-annual chair meetings with Ministry staff. The two way communication has proven to be a catalyst for positive change.

In line with last year's comments, the Board recommends that the Ministry continues to encourage and support the use of client advocacy services.

# Co-Chairperson's Comments

..... continued

As previously mentioned, policy and regulations are complex at the best of times and can be difficult for clients to understand. So, not only can there be comprehension issues, clients also must deal with the structure and process of appeals, most often with no or minimal presentation skills or experience. An advocate's role then becomes invaluable again to all parties.

As Board and Committee members, we have firsthand exposure to the challenges experienced by Social Services clients. This puts us in a position to better understand the challenges facing both clients and the Ministry. From this position, we then suggest there would be value in communicating these challenges and solutions to the public at large. We believe this could assist in creating a positive and more accurate view of the role of the Ministry of Social Services.

The Board looks forward to continuing to be part of an evolving and improving service that positively impacts individuals' lives.

# Table 1 - Statistics

## Number of Regional and Provincial Appeals
## 2008 – 2009 to 2014 - 2015

| | Regional | Provincial |
|---|---|---|
| 2008 – 2009 | 415 | 127 |
| 2009 – 2010 | 370 | 95 |
| 2010 – 2011 | 454 | 108 |
| 2011 - 2012 | 319 | 115 |
| 2012 - 2013 | 440 | 161 |
| 2013 - 2014 | 314 | 83 |
| 2014 - 2015 | 267 | 97 |

**2014 – 2015**

**- Regional numbers do not include denied or withdrawn.**
**- Provincial numbers include 7 denied and 8 withdrawn.**

# Table 2 - Regional Appeals

## Location and Disposition 2014 - 2015

## Summary by Region

| Region | Decision in Favour of Client | Decision in Favour of Ministry | Total |
|---|---|---|---|
| **Southwest** | 18 | 65 | 83 |
| **Southeast** | 2 | 22 | 24 |
| **Centre** | 21 | 64 | 85 |
| **Northeast** | 2 | 33 | 35 |
| **Northwest** | 5 | 35 | 40 |
| **Total** | **48** | **219** | **267** |

**The decision favoured the client 18 % of the time.**

**Note: Totals may not balance because one appeal may result in more than one decision.**

# Table 3 - Provincial Appeals

## Source of Provincial Appeals

## 2014 - 2015

| Region | Appealed by Client | Appealed by Ministry | Total |
|---|---|---|---|
| **Southwest** | 19 | 12 | 31 |
| **Southeast** | 4 | 0 | 4 |
| **Centre** | 33 | 7 | 40 |
| **Northeast** | 10 | 0 | 10 |
| **Northwest** | 10 | 2 | 12 |
| **Total** | **76** | **21** | **97** |

**Note:** 7 requests for appeals were denied
8 appeals were withdrawn
1 request was appealed by both Client and Ministry

# Table 4 - Provincial Appeals
## Summary by Region
## 2014 - 2015

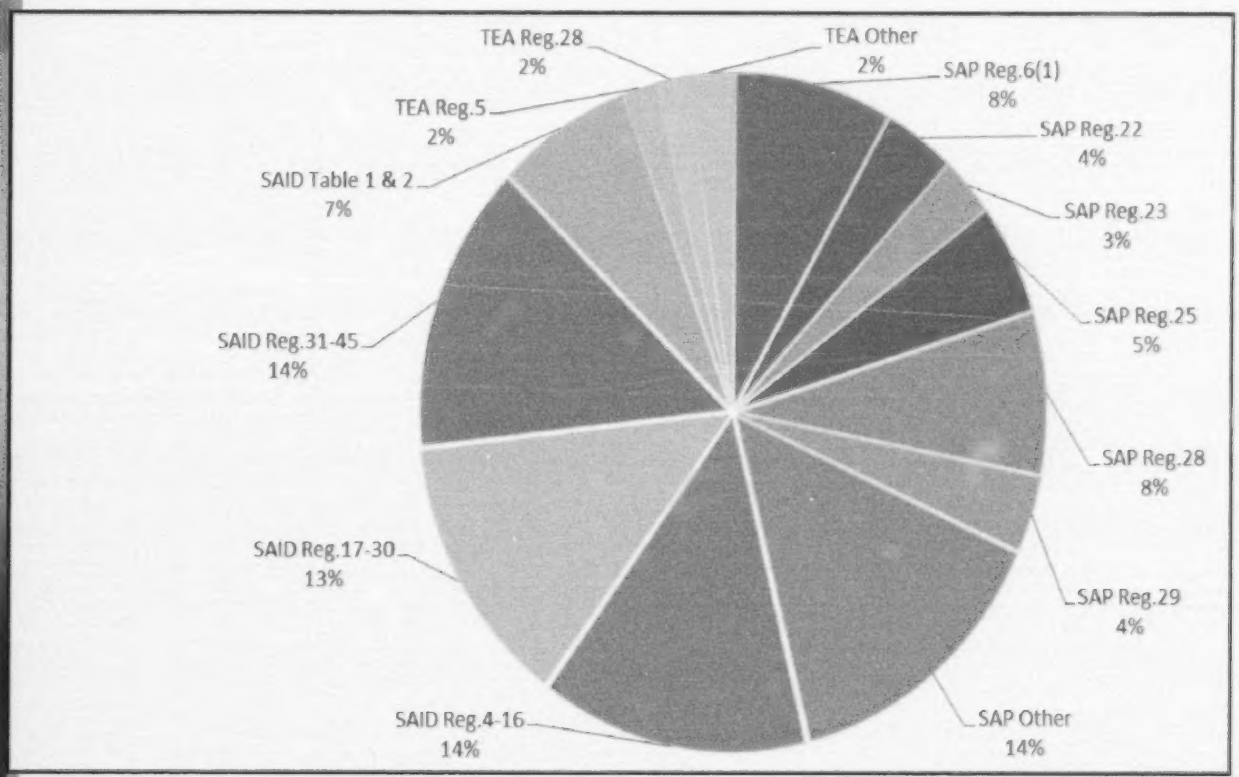
| Region | Client Sourced Appeals | | Ministry Sourced Appeals | |
|---|---|---|---|---|
| | Decision for Client | Decision Against Client | Decision for Ministry | Decision Against Ministry |
| Southwest | 1 | 15 | 11 | 10 |
| Southeast | 0 | 2 | 0 | 0 |
| Centre | 8 | 29 | 6 | 1 |
| Northeast | 2 | 7 | 0 | 0 |
| Northwest | 2 | 5 | 1 | 1 |
| **Total** | **13** | **58** | **18** | **12** |

**The number of appeals received and the number of decisions is not equal due to denials and withdrawals.**

# Table 5 (A) - Social Services Appeal Board

## Appeals by Reason 2014 – 2015

**Segments represent the SAP, SAID and TEA Regulation appealed**



# Table 5 (B) - Social Services Appeal Board
## Appeals by Reason 2014 – 2015
### Definition of the SAP, SAID and TEA Regulation appealed

| | |
|---|---|
| **Social Assistance Program** | |
| SAP Reg. 6(1) | • Responsibilities of the recipient as a condition of eligibility |
| SAP Reg. 22 | • Funeral expenses benefits |
| SAP Reg. 23 | • Change in circumstances |
| SAP Reg. 25 | • Special circumstances |
| SAP Reg. 28 | • Financial resources and exempt income |
| SAP Reg. 29 | • Eligibility and determining financial resources |
| SAP Other | • Application, eligibility, determining amount of assistance |
| **Saskatchewan Assured Income for Disability** | |
| SAID Reg. 4 to 16 | • Eligibility, approval or denial |
| SAID Reg. 17 to 30 | • Benefits |
| SAID Reg. 31 to 45 | • Report of changes, reviews and appeals |
| TABLE 1 and 2 | • Income/Asset exemptions and benefits |
| **Transitional Employment Allowance** | |
| TEA Reg. 5 | • Eligibility of applicant |
| TEA Reg. 28 | • Termination of payment |
| TEA Other | • Interpretation, budget deficit, reporting changes |

# Table 6 - Appeal Board Meetings
## Provincial Appeals Heard in Regina and Saskatoon

### 2010-2011 to 2014-2015

| | Regina Meetings | Cases Heard | Saskatoon Meetings | Cases Heard |
|---|---|---|---|---|
| **2010 – 2011** | 16 | 30 | 25 | 64 |
| **2011 - 2012** | 13 | 24 | 20 | 81 |
| **2012 - 2013** | 19 | 80 | 22 | 69 |
| **2013 - 2014** | 19 | 28 | 15 | 41 |
| **2014 - 2015** | 17 | 29 | 23 | 53 |

# Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also contact Ombudsman Saskatchewan. The Ombudsman cannot change the decision of the board, but can conduct a review. The Ombudsman may make recommendations to the Social Services Appeal Board or the Ministry to resolve the matter for individual clients and to implement best practices in order to better resolve matters in the future.

## Statistics for 2014 – 2015

The following statistics reflect the number of complaints received and closed by the Ombudsman on individual appeal matters. Please note that the number of complaints received may not match the total number of complaints closed because some may be carried over into the next year. It is also possible for a single complaint to contain several issues, each of which may be resolved differently, so this may also increase the number of complaints closed.

| Complaints Received | Complaints Closed | Initial Support | Resolved | Recommendations Made | No Further Action |
|---|---|---|---|---|---|
| 8 | 4 | 1 | 3 | 0 | 0 |